

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Conf. No.: 3185	:	Group Art Unit: 3742
Appln. No.: 10/817,463	:	Examiner: Joseph Moore Pelham
Filing Date: April 2, 2004	:	Attorney Docket No.: Formerly 41854-P001US Now 683470.0020
Title: CONVEYOR TYPE OVEN	:	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER**  
**37 C.F.R. § 1.181(a) [MPEP § 711.03(c)(I)(B)]**

The Examiner telephoned the Applicants' attorney on April 28, 2006 indicating that a response to the Office Action mailed October 18, 2005 had not been received and that the case was now abandoned. This Petition to Withdraw Holding of Abandonment is submitted under 37 C.F.R. § 1.181(a) because an Amendment/Reply was mailed well within the statutory period, but simply not received by the U.S. Patent and Trademark Office ("USPTO"). MPEP § 711.03(c)(I)(B). Specifically, an Amendment and Response to the October 18, 2005 office action was mailed to the USPTO on November 17, 2005.

As required by 37 C.F.R. § 1.8(b) and MPEP § 711.03(c)(I)(B), because Applicants are relying upon a Certificate of Mailing under 37 C.F.R. 1.8(b), a Statement attesting to the previous timely mailing of the office action response on November 17, 2005, by Viola Ange, one with "personal knowledge," is attached at Exhibit D. Also, attached hereto are copies of the Response/Reply (Exhibit A) with accompanying Transmittal Form (Exhibit B) and a photocopy of the postcard as forwarded with the Response/Reply (Exhibit C).

Applicants' attorney did not receive a return receipt postcard from the USPTO. However, Applicants again certify that the Response/Reply, Transmittal Form and Return Postcard to the October 18, 2005 Office Action were deposited in first class mail on November 17, 2005 and respectfully request that the Amendment/Reply be entered and that the Holding of Abandonment be withdrawn.

Application No. 10/817,463  
Petition to Withdraw Holding of Abandonment  
Under 37 C.F.R. § 1.181(a)

Based on the attached documents, Applicants respectfully Request withdrawal of the Holding of Abandonment in view of Applicants' November 17, 2005 timely filing of a Response/Reply to the October 18, 2005 office action.

No petition fee is believed to be due, and no extension of time fees are believed to be due in light of the mailing date. However, the Commissioner is also hereby authorized to charge deposit account number 010657 for any deficiencies in the present Petition.

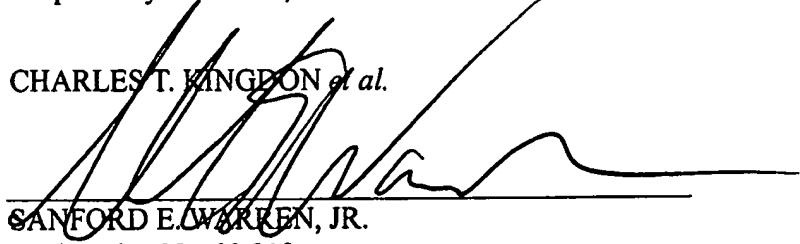
Applicants respectfully request that the Examiner and/or the Commissioner contact the Applicants' undersigned attorneys at the number cited below if there are any reasons why the Petition cannot be granted and the Amendment/Reply not be entered.

Respectfully submitted,

CHARLES T. KINGDON *et al.*

5/3/2006  
(Date)

By:

  
SANFORD E. WARREN, JR.

Registration No. 33,219

**AKIN GUMP STRAUSS HAUER & FELD LLP**

P.O. Box 688

Dallas, Texas 75313-0688

Telephone: 214-965-2800

Facsimile: 214-965-4343

E-Mail: trademarkdallas@akingump.com

Attorney Docket No.  
683470.0020 (Formerly 41854-P001US )

PATENT  
Serial No. 10/817,463

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Conf. No.: 3185 : Group Art Unit: 3742  
Inventors: Charles J. Kingdon, *et al.* :  
Appln. No.: 10/817,463 : Examiner: Joseph Moore Pelham  
Filing Date: April 2, 2004 : Attorney Docket No.: Formerly 41854-P001US  
Now 683470.0020  
Title: CONVEYOR TYPE OVEN

Commissioner for Patents  
Mail Stop: PETITION  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT ATTESTING TO THE TIMELY SUBMISSION  
OF OFFICE ACTION RESPONSE/REPLY (37 CFR § 1.8)**

I, Viola M.L. Ange, hereby state the following:

1. I am employed by Winstead Sechrest & Minick P.C. as an IP Specialist;
2. I am the person who assisted with the preparation and mailing of various documents relating to the above-identified patent application. I have reviewed the Response/Reply paperwork that was submitted in response to the Office Action dated October 18, 2005 (hereinafter, "the Office Action") in the above-identified patent application.
3. I have personal knowledge of the filing of the Response to the Office Action and its accompanying paperwork and attest to it being timely submitted on November 17, 2005.
4. On November 17, 2005, in preparation for filing the Applicants' response to the Office Action, I prepared the necessary formal filing paperwork and documents which included a PTO/SB/21 Transmittal Form and a return postcard. I signed the Certificate of Mailing located on the Transmittal Form on November 17, 2005 and mailed it to the USPTO, on that date, with a

Attorney Docket No.  
683470.0020 (Formerly 41854-P001US )

PATENT  
Serial No. 10/817,463

return postcard (hereafter, "the Response/Reply paperwork"). A copy of the Transmittal Form which I signed is attached to this Statement as Exhibit A.

5. Based on the above information, this statement and the documentation enclosed with the accompanying "Request to Withdraw Holding of Abandonment," I attest that a Response/Reply to the October 18, 2005 Office Action was timely submitted on November 17, 2005.

May 2, 2006  
Date

Viola M.L. Ange  
Viola M.L. Ange

Enclosure

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10817463
	Filing Date	April 2, 2004
	First Named Inventor	Charles J. Kingdon
	Art Unit	3742
	Examiner Name	Peiham, Joseph Moore
	Attorney Docket Number	41854-P001US
Total Number of Pages in This Submission	5	

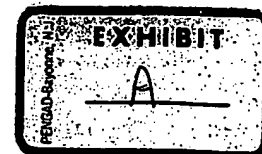
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postal Receipt Card
Remarks		

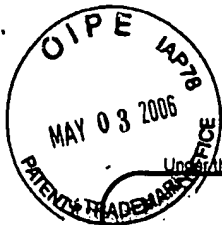
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Winstead Smith's Minix P.C.	
Signature		
Printed name	Sanford E. Warren, Jr.	
Date	November , 2005	Reg. No. 33,219

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Viola M.L. Ange	Date 11/17/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.





PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/817,463	
	Filing Date	April 2, 2004	
	First Named Inventor	Charles J. Kingdon	
	Art Unit	3742	
	Examiner Name	Joseph Moore Pelham	
Total Number of Pages in This Submission	11	Attorney Docket Number	Formerly 41854-P001US Now 683470.0020

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Akin Gump Strauss Hauer & Feld LLP	
Signature		
Printed name	Sanford E. Warren, Jr.	
Date	May 3, 2006	Reg. No. 33,219

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Piper Redman	Date May 3, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Director of Patents  
P.O. Box 1450  
Alexandria, VA 22313

By stamping this post card, the PTO acknowledges receipt of the following:

Attorney Docket No. 41758-P001US      SEW/DLO/VMA  
Serial No: 10/817,463  
Inventor: Kingdon, et al  
Title: Conveyor Type Oven

Transmittal Letter (1 sheet)  
Amendment and Response to Office Action (4 sheets)

Postal Receipt Card

Due Date: 01/18/2005

Mailing Date: 11/17/05

Mailed Via Certificate of Mailing

DOCKETED ON

NOV 21 2005

By: RM